

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION

MARC S. KIRSCHNER, as Litigation Trustee for the
TRIBUNE LITIGATION TRUST,

Plaintiff,

-v-

DENNIS J. FITZSIMONS, *et al.*,

Defendants.

Consolidated Multidistrict Litigation

No. 11-md-2296 (RJS)

No. 12-mc-2296 (RJS)

No. 12-cv-6055 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

On January 6, 2017, the Court issued an opinion dismissing count one of Plaintiff's Fifth Amended Complaint. (11-md-2296 (RJS), Doc. No. 6924; 12-mc-2296 (RJS), Doc. No. 343.) On February 1, 2017, Plaintiff counsel wrote to the Court requesting leave to file a motion for certification of the Court's January 6 opinion pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. (11-md-2296 (RJS), Doc. No. 6931.) That same day, the Court solicited the response of any Defendant who wished to be heard on the issue. (11-md-2296 (RJS), Doc. No. 6932; 12-mc-2296 (RJS), Doc. No. 345.) The Court received three responses on February 6, 2017, including: (1) a letter on behalf of the Executive Committee of Shareholder Defendants expressing their support for certification (11-md-2296 (RJS), Doc. No. 6936), (2) a letter on behalf of Tribune's seven Independent Directors expressing their support for certification but also requesting that the Court delay certification until it resolved their pending motions to dismiss (11-

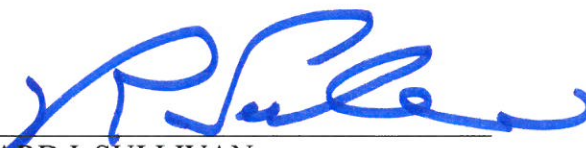
md-2296 (RJS), Doc. No. 6935), and (3) a letter on behalf of Sam Zell and the Zell-related entities echoing the position of the Independent Directors (11-md-2296 (RJS), Docs. No. 6935, 6937).

Having considered the parties' submissions, the Court is persuaded that an interlocutory appeal is appropriate; however, the Court will wait to so certify until the remaining motions to dismiss are resolved.

The Court is also mindful that discovery remains stayed in this matter. Accordingly, IT IS FURTHER ORDERED that, in advance of the disposition of the remaining motions, Plaintiff and the non-moving Defendants shall submit a joint letter to the Court no later than April 1, 2017 proposing a case management plan and discovery schedule. A template for that order is available at: <http://www.nysd.uscourts.gov/judge/Sullivan>. For purposes of this joint letter, Plaintiff and the non-moving Defendants should anticipate that the moving Defendants and dismissed Shareholder Defendants will be regarded as third parties with respect to discovery. *See* Fed. R. Civ. P. 45(a). This ruling is not intended to indicate the disposition of the pending motions, and the discovery schedule is subject to change following the resolution of those motions.

SO ORDERED.

Dated: February 23, 2017
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE